

1 THE HONORABLE BARBARA J. ROTHSTEIN
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7 CLERK U.S. DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 DEPUTY
10 BY

11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

13 RAYMOND LEICH, a resident of Florida,
14 derivatively on behalf of EVERGREEN STATE
15 RESTAURANT CORP.,

16 Plaintiff,

17 v.

18 CRAIG and JANE DOE EDWARDS,
19 Washington residents, and their marital
20 community,

21 Defendants,

22 and

23 EVERGREEN STATE RESTAURANT
24 CORP., a Washington corporation,

25 Nominal Defendant.

26 CRAIG R. EDWARDS, on his own behalf and
on behalf of EVERGREEN STATE
RESTAURANT CORP.,

27 Counterclaimant and Third-Party
28 Plaintiff,

29 v.

30 RAYMOND M. LEICH, an individual;
31 CLIFFORD L. JONES and LINDA JONES, and
32 their marital community; and EVERGREEN
33 RESTAURANT VENTURES, INC., a
34 Washington corporation,

35 Counterclaim Defendants and
36 Third-Party Defendants.

37 NO. C 03-0108 BJR

38 DECLARATION OF DAVID HOFF



CV 03-00108 #00000011

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40 ORIGINAL

41 DECLARATION OF DAVID HOFF - 1
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43 TOUSLEY BRAIN STEPHENS PLLC
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1 I, David Hoff, declare and state as follows:

2 1. I am an attorney for Plaintiff in this action. I am competent to testify and do so based
3 upon my personal knowledge.

4 2. Wednesday, February 19, 2003, I spoke with Spencer Hall, attorney for Defendant
5 Craig Edwards. I asked Mr. Hall if he would postpone the special shareholders meeting of
6 Evergreen State Restaurant Corporation scheduled for February 24, 2003 while the parties
7 considered alternate courses of action to resolve their dispute. Late in the day on Wednesday,
8 Mr. Hall advised Janissa Strabuk, another attorney in our office, that his client was unwilling to
9 postpone the meeting.

10 3. Accordingly, we immediately advised Mr. Hall that we would be seeking a Temporary
11 Restraining Order to postpone or cancel the shareholders meeting. We worked diligently on
12 the necessary paperwork and provided Mr. Hall copies of the moving papers Thursday evening,
13 February 20, 2003.

14 4. Ms. Strabuk and I offered to postpone seeking a Restraining Order on Friday, February
15 21, if Mr. Hall would also agree to postpone the shareholder's meeting until after a Temporary
16 Restraining Order hearing could be held. We advised Mr. Hall that he should contact us Friday
17 morning if he wanted to take advantage of this offer.

18 5. Attached to this Declaration as Exhibit A is a true and correct copy of the Complaint in
19 this matter.

20 6. Attached to this Declaration as Exhibit B is a true and correct copy of Defendant
21 Edwards' Answer, Counterclaims and Third Party Complaint.

22 7. No further pleadings have been filed to date in this matter.

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24 DECLARATION OF DAVID HOFF - 2
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